IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM. FOR JUDGMENT NO.709 OF 2003

IN

SUMM.SUIT NO.249 OF 2003

Jayaben Pandya .. Plaintiff

versus

Pravin T.Mota .. Defendant

Ms J.P.Kar i/b B.R.Parekh for Plaintiff

Mr Jairaj i/b Mahesh Shah for Defendant

CORAM : D.G. KARNIK, J

DATED : 13th April 2005.

P.C:-

1. Heard learned counsel for the parties. Learned counsel undertakes to file the original documents. Undertaking is recorded and accepted. Learned counsel for the defendant admits receipt of the Summons for Judgment and also admtis that inspection was taken on 16th December, 2003. More than one year has passed since then and the defendant has not filed an application for leave to defend nor filed an affidavit

in reply. The plaintiff is entitled to a decree under order 37 Rule 3 (6) of the Code of Civil Procedure. I have perused the plaint. In the absence of any affidavit in reply averments made in the plaint are deemed to be admitted.

2. Accordingly, the plaintiff's suit is decreed under order 37 Rule 3 (6) of the Code of Civil Procedure. Summons for Judgment is made absolute in terms of prayer clauses subject to the modification that from the date of suit interest shall be payable on Rs.1,00,000/- at 9 % p.a. till payment and all costs of the suit. Decree not to be drawn up untill the original documents are filed.

D.G.KARNIK, J